

FILED BY *JE* D.C.

05 DEC 29 AM 7:29

THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION

FILED BY *cus* D.C.

05 NOV 16 AM 10:20

THOMAS M. GOULD  
CLERK, U.S. DISTRICT COURT  
W.D. OF TN, MEMPHIS  
ELEMETRA BROWNLEE,

Plaintiff,

vs.

NO: 04-2057

MEMPHIS CITY GOVERNMENT,  
MEMPHIS HOUSING AUTHORITY,  
ROBERT LIPSCOMB, in his official  
position as executive director,  
CHARLES NELMS, in his official and  
personal capacity and  
CLARENCE HOWARD, in his official  
and personal capacity,

Defendant.

**MOTION GRANTED**

DATE: 12-23-2005

*Bernice Bouie Donald*  
**BERNICE BOUIE DONALD**  
U.S. DISTRICT JUDGE

DEFENDANT'S, CLARENCE HOWARD,  
MOTION TO DISMISS

Comes now the Defendant, Clarence Howard, and motions this Court for an order of dismissal as to Clarence Howard in his official capacity. In support of said motion, Defendant would state that this court has previously entered an order of dismissal with prejudice on May 18, 2005 as to Defendants Robert Lipscomb and Dan Nelms, in their official capacity, and an order of dismissal of Clarence Howard in his personal capacity on July 1, 2005. Counsel for Defendant Clarence Howard has been informed by the Clerk of the court that this case is closed in its entirety. Therefore, for clarity, since Defendant Clarence Howard has a written order on file dismissing him in his personal capacity, he herein seeks an order of clarity that he is dismissed as well in his official capacity.

This document entered on the docket sheet in compliance  
with Rule 58 and/or 79(a) FRCP on 12/29/05

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Honorable Bernice Donald  
US DISTRICT COURT